

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Daniel J. Popoff  
114 Charlotte Street  
Kershaw, South Carolina 29067.

File Number 2003-118026

**Default Order Revoking  
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2002), by the State of South Carolina Department of Insurance upon Daniel Popoff by both certified mail, return receipt requested, and by regular mail on May 30, 2003.

By that letter, Daniel J. Popoff was informed of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Mr. Popoff has failed to respond to the Department's letter and the United States Postal Service returned the certified receipt card, signed by Mr. Popoff on May 30, 2003. On July 14, 2003, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina, Daniel J. Popoff was convicted by the South Carolina Circuit Court of General Sessions, York County, of "Breach of Trust with Fraudulent Intent" in The State v. Daniel Popoff, Criminal Docket Number 2002GS4601739.

S.C. Code Ann. § 38-43-130 (Supp. 2002) provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent has been convicted of a crime of moral involving moral turpitude..." The crime of Breach of Trust with Fraudulent Intent involves moral turpitude. In re Derrick, 301 S.C. 367, 392 S.E.2d 180 (1990).

In accordance with my findings of fact, and considering Daniel Popoff's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Daniel Popoff was convicted of a crime of moral turpitude, and that his resident insurance agent license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 2002). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be

construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2002).

It is therefore ordered that Daniel J. Popoff's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Daniel Popoff is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

14 July 2003, at  
Columbia, South Carolina

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Daniel Popoff,  
114 Charlotte Street  
Kershaw, South Carolina 29607.

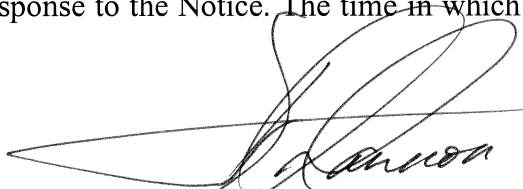
SCDOI File Number 2003-118026

**Affidavit of Default**

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

The Department served notice on Daniel J. Popoff at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance agent within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2002), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed Daniel Popoff of his opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Service effected service of the Notice by certified mail, return receipt requested, and by regular mail, on or about May 30, 2003. Daniel J. Popoff has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.



T. Douglas Concannon  
Associate General Counsel

Sworn to and subscribed before me  
this 14 day of July, 2003



Steven R. DuBois  
Notary Public for the State of South Carolina  
My Commission Expires May 10, 2009

South Carolina Department of Insurance  
Post Office Box 100105  
Columbia, South Carolina 29202-3105  
(803) 737-6132